

REMARKS

Claims 1, 2 and 9 have been amended.

The Examiner has noted that the Amendment filed on August 26, 2005 only contained claims 1-5 and did not contain claims 6-9. Applicants apologize for this error and note that the subject response contains claims 1-9.

The Examiner has rejected applicant's rejected applicant's claims under 35 U.S.C. § 103(a) as being unpatentable over the Imai, et al. patent (U.S. Patent No. 6,771,882) taken with the Kori, et al. patent (U.S. Patent no. 5,513,010). With respect to applicant's claims, as amended, the Examiner's rejection is respectfully traversed.

Applicant's independent claims 1 and 9 have been amended to better define applicant's invention. In particular, amended claim 1 recites a recording apparatus comprising: recording mode setting means for setting a first recording mode for recording image data having a first information quantity per unit time, and a second recording mode for recording image data having a second information quantity larger than the first information quantity per unit time; recording means for recording image data on a recording medium; instruction means for instructing recording of a still image; and control means for controlling said recording means to start recording on the recording medium still image data in response to a recording instruction of the still image by said instruction means and to stop recording the still image data a predetermined recording period after the recording was started, wherein said control means changes the predetermined recording period between a first predetermined period and a second predetermined period shorter than the first predetermined period in accordance with the recording mode set by said recording mode setting means so that said recording means starts recording on the recording medium the still image data in response to the recording instruction

of the still image by said instruction means and stops recording the still image data at the first predetermined period after the recording was started when the first recording mode is set by said recording mode setting means, and starts recording on the recording medium the still image data in response to the recording instruction of the still image by said instruction means and stops recording the still image data at the second predetermined period after the recording was started when the second recording mode is set. Independent claim 9 has been similarly amended.

In applicant's amended independent claims, therefore, a predetermined recording period from the start of recording to the stop of recording is used. In particular, in a first recording mode recording still image data having a first information quantity per unit time, the predetermined recording period is changed to a first predetermined period (see, FIG. 4; 8.5 seconds in SDL mode). On the other hand, in a second recording mode recording still image data having a second information quantity greater than the first information quantity, the predetermined recording period is changed to a second predetermined period shorter than the first predetermined period (see, FIG. 2, 6.5 seconds in SD mode). Such a construction is not taught or suggested by the cited art of record.

In particular, the Imai, et al. patent teaches the recording of video data in two recording modes, SD and SDL. The Imai, et al. patent further describes the reproducing of such SD and SDL recorded video data, including reproduction as a still image, and then re-recording of the reproduced data.

However, none of the disclosure in the Imai, et al. patent specifically describes recording mode setting means for setting a first recording mode for recording image data having a first information quantity per unit time, and a second recording mode for recording

image data having a second information quantity larger than the first information quantity per unit time, in combination with, control means for controlling said recording means to start recording on the recording medium still image data in response to a recording instruction of the still image by said instruction means and to stop recording the still image data a predetermined recording period after the recording was started, wherein said control means changes the predetermined recording period between a first predetermined period and a second predetermined period shorter than the first predetermined period in accordance with the recording mode set by said recording mode setting means so that said recording means starts recording on the recording medium the still image data in response to the recording instruction of the still image by said instruction means and stops recording the still image data at the first predetermined period after the recording was started when the first recording mode is set by said recording mode setting means, and starts recording on the recording medium the still image data in response to the recording instruction of the still image by said instruction means and stops recording the still image data at the second predetermined period after the recording was started when the second recording mode is set.

In the Imai, et al. patent, as previously stated, although there is re-recording of the reproduced SD and SDL video data as a still image, there is no teaching or suggestion of changing the recording period of the still images in the SD and SDL modes and, in particular, of using a recording period in the SD mode for a still image which is shorter than the recording period used in the SDL mode. The Examiner, however, has cited the Kori, et al. patent and argues that the teachings of this patent when combined with the Imai, et al. patent will result in applicant's claimed invention. Applicant disagrees.

More particularly, the Examiner has stated that the Kori, et al. patent "teaches the

system to record still pictures as seen in Figure 31” and further that “[a]s the pictures are recorded a time limit is set on each picture and a new recording is thereby done as disclosed in Column 15, Lines 48+ through Column 16 Lines 1-17.” In reviewing FIG. 31 and the cited passages in the Kori, et al. patent they appear to describe a recording circuit for recording a PPID (Fig.31) and further, as the Examiner has stated, they further describe recording a still image for a predetermined time period.

However, the teaching in the Kori, et al. patent of recording a still image for a predetermined time period, is not a teaching or suggestion of changing the recording period of still images recorded in the SD and SDL modes and, in particular, of using a recording period for a still image in the SD mode which is shorter than that used in the SDL mode. In this context, it should be noted that the Kori, et al. patent is completely silent as to the use of two (different) recording modes.

Applicant’s amended independent claims 1 and 9, and their respective dependent claims, in reciting in one form or another “setting a first recording mode for recording image data having a first information quantity per unit time, and a second recording mode for recording image data having a second information quantity larger than the first information quantity per unit time. . . controlling said recording . . . to start recording on the recording medium still image data in response to a recording instruction of the still image . . . and to stop recording the still image data a predetermined recording period after the recording was started, wherein said control . . .changes the predetermined recording period between a first predetermined period and a second predetermined period shorter than the first predetermined period in accordance with the recording mode set . . . so that said recording . . . starts recording on the recording medium the still image data in response to the recording instruction of the still

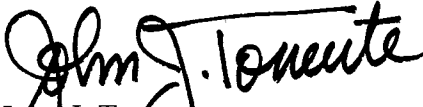
image . . . and stops recording the still image data at the first predetermined period after the recording was started when the first recording mode is set . . . , and starts recording on the recording medium the still image data in response to the recording instruction of the still image . . . and stops recording the still image data at the second predetermined period after the recording was started when the second recording mode is set”, thus patentably distinguish over the combination of the Imai, et al. and Kori, et al. patents.

In view of the above, it is submitted that applicant’s claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

Dated: November 9, 2007

COWAN, LIEBOWITZ & LATMAN, P. C.
1133 Avenue of the Americas
New York, New York 10036
T (212) 790-9200

Respectfully submitted,


John J. Torrente
Reg. No. 26,359
Attorney of Record